

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DARNELL WESLY MOON,

Plaintiff,

v.

BOB HOLDER, et al.,

Defendants.

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No. 1:17-CV-132 DDN

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Darnell Wesly Moon, a prisoner, for leave to commence this civil action without prepayment of the required filing fee. The motion will be denied, and this case will be dismissed without prejudice.

Darnell Wesly Moon, a prisoner and a frequent filer of lawsuits in this Court, is subject to 28 U.S.C. § 1915(g).¹ Therefore, he may proceed in forma pauperis in this action only if he “is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

The Court has carefully reviewed the complaint, as well as the judicial history of this action, and concludes that plaintiff not under imminent danger of serious physical injury.²

¹*See Moon v. United States of America*, Case No. 1:09-cv-6-RWS (E.D. Mo. Feb. 3, 2009); *Moon v. National Asset Recovery Services, Inc.*, Case No. 4:09-cv-117-DDN (E.D. Mo. Feb. 2, 2009); and *Moon v. National Recovery Services, Inc.*, Case No. 4:09-cv-1129-DDN (E.D. Mo. Jul. 28, 2009).

²In his original complaint, plaintiff asserted that at the time he was transferred from Mason, Tennessee to Dunklin County Jail in June of 2017, that he had a sore tooth that he did not feel was being properly treated at Dunklin County. Plaintiff has not filed any additional statements since the time he was transferred indicating whether he has sought and/or been denied treatment in the intervening five months.

Moreover, since the time plaintiff filed the instant action, he has been transferred from Dunklin County Jail to St. Charles County Jail, and his requests for injunctive relief are moot.³

The Court will therefore deny the instant motion to proceed in forma pauperis, and dismiss this action without prejudice to the filing of a fully paid complaint.

Accordingly,

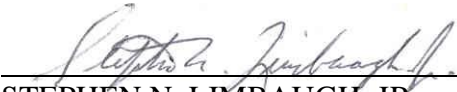
IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. #2] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff's motions for injunctive relief [Doc. #5 and #7] are **DENIED AS MOOT** as plaintiff has been transferred to St. Charles County Jail.

IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice to the filing of a fully paid complaint.

A separate Order of Dismissal will accompany this Memorandum and Order.

Dated this 13th day of December, 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE

³Plaintiff filed a change of address on November 27, 2017.